



CITY OF MORGAN HILL

**CITY COUNCIL
MORGAN HILL REDEVELOPMENT AGENCY**

COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Greg Sellers, Mayor Pro Tempore
Hedy L. Chang, Council Member
Steve Tate, Council Member
Larry Carr, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Larry Carr, Vice-Chair
Hedy L. Chang, Agency Member
Steve Tate, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, FEBRUARY 21, 2001

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

7:00 P.M.

CALL TO ORDER

(Mayor/Chair Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORT

Mayor Kennedy

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS
ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT
IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY
CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT
AGENCY.**

City Council Action

CONSENT CALENDAR: The Consent Calendar, Agenda Items #1 through #8 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time

Estimate

Page

Consent Calendar: 1 - 10 Minutes

- | | |
|----|--|
| 1) | <u>JANUARY 2001 FINANCE AND INVESTMENT REPORT</u> 1
<u>Recommended Action(s):</u> <u>Accept and file</u> report. |
| 2) | <u>APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT WITH ALICINI PARTNERSHIP</u> 27
<u>Recommended Action(s):</u> <u>Approve</u> the Subdivision Improvement Agreement and <u>Authorize</u> the City Manager to Sign the Agreement on Behalf of the City with Alcini Partnership. |
| 3) | <u>EMERGENCY PUMP, MOTOR AND CASING REPLACEMENT AT CONDIT WELL</u> 37
<u>Recommended Action(s):</u>
1. <u>Adopt</u> Resolution No. 5454 Declaring the Need for The Emergency Expenditure, and
2. <u>Approve</u> Expenditure of \$40,000 for Emergency Purchase and Installation of Replacement Pump, Motor and Casing at Condit Well. |

4)	<u>AUTHORIZE THE PURCHASE OF A VEHICLE FOR THE POLICE DEPARTMENT</u>	41
	<u>Recommended Action:</u>	
	1. <u>Award</u> the Bid in the Amount of \$21,167.54 to South County Chevrolet for a Van to Be Used by the Community Service Officers,	
	2. <u>Authorize</u> the City Manager to Purchase the Vehicle, and	
	3. <u>Authorize</u> Disposal of Surplus Vehicle Through Auction.	
5)	<u>AMENDMENT TO THE MANAGEMENT RESOLUTION</u>	43
	<u>Recommended Action(s):</u>	
	1. <u>Adopt</u> Resolution No. 5455 Amending the Management, Professional and Confidential Employees Resolution No. 5320 to Change Salary Range and Title of the Position of Human Resources Manager and Add the Classification of Human Resources Supervisor; and	
	2. <u>Allocate</u> Funds to the Human Resources Office Budget from General Fund Reserves to Cover the Increased Expenditure for FY 2000-01.	
6)	<u>MOVE ENVIRONMENTAL PROGRAMS FUNCTION TO THE CITY MANAGER'S OFFICE; AMENDMENT TO THE MANAGEMENT RESOLUTION</u>	57
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> Budget Adjustment Moving Environmental Programs Function and Revenue to City Manager's Office,	
	2. <u>Approve</u> a Budget Adjustment adding a Second Assistant to the City Manager Position to the City Manager's Office Budget for 2000-01, and Shifting the Position of Office Assistant II from the Environmental Programs Budget to the City Manager's Office Budget; and	
	3. <u>Adopt</u> Resolution No. 5457 Amending the Management, Professional and Confidential Employees Resolution No. 5320 to Eliminate the Position of Environmental Programs Manager and Incorporating Other Approved Changes.	
7)	<u>APPROVE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND ANNUAL GOAL</u>	61
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> the City's Disadvantaged Business Enterprise (DBE) Program and Annual Overall DBE goal of 8% for the Federal Fiscal Year 2000/2001, Beginning on October 1, 2000 and Ending on September 20, 2001, and	
	2. <u>Authorize</u> the City Manager, by Adoption of The Council Report, to Sign the Final DBE Program and Submit it to Caltrans on Behalf of the City.	
8)	<u>APPROVAL OF SPECIAL CITY COUNCIL MEETING MINUTES OF FEBRUARY 9, 2001</u>	83

PUBLIC HEARINGS:

	Time Estimate		Page
9)	30 minutes	<u>APPLICATION ZA-00-09: ST. LOUISE - SAN JOSE CHRISTIAN COLLEGE</u>	89
		(Continued from 2/7/01)	
		<u>Recommended Action(s):</u> Request staff presentation. Public Hearing opened.	

Please limit your remarks to 3 minutes. Public Hearing closed.

Council discussion.

Action - Motion to Adopt Resolution of Denial.

Should the City Council Wish to Approve the Application Then:

Action – Motion to Approve the Negative Declaration.

Action- Motion to Waive the Reading in Full of the Approval Ordinance;

Motion to Introduce Ordinance by Title Only.

OTHER BUSINESS:

	Time Estimate		Page
10)	20 minutes	<u>ANIMAL CONTROL PROPOSALS</u>	179
		(Continued from 1/17/01)	
		<u>Recommended Action(s):</u>	
		4. <u>Review</u> Proposals to enhance Animal Control Services, and	
		5. <u>Direct</u> Staff to Implement One or More of The Proposals and Draft Implementing Ordinances as Needed.	
11)	15 minutes	<u>REQUEST FOR A DETERMINATION BY THE DIOCESE OF SAN JOSE REGARDING A FUTURE HIGH SCHOOL SITE IN MORGAN HILL</u>	207
		<u>Recommended Action(s):</u> Council <u>Discussion</u> and <u>Direction</u> to Staff.	
12)	5 minutes	<u>REQUEST TO CANCEL THE REGULAR CITY COUNCIL MEETING OF APRIL 18, 2001</u>	211
		<u>Recommended Action(s):</u> <u>Cancel</u> the Regular City Council Meeting of April 18, 2001; and	
		1. <u>Hold</u> a Special Meeting on April 11, 2001;	
		<u>OR</u>	
		2. <u>Carry</u> Over The April 18, 2001 Items to the Regularly Scheduled Redevelopment Agency Meeting of April 25, 2001.	
13)	20 minutes	<u>FOX HOLLOW/MURPHY SPRINGS LANDSCAPE MAINTENANCE DISTRICT - DECLARATION OF PUBLIC BALLOT PROCEEDING AND ESTABLISHMENT OF PUBLIC HEARING DATE</u>	213
		<u>Recommended Action(s):</u>	
		2. <u>Adopt</u> Resolution No. 5456 Initiating Ballot Proceedings and Establishing a Public Meeting and Hearing Date;	
		3. <u>Direct</u> Staff to Mail Assessment Ballots and Notices; and	
		4. <u>Direct</u> the City Clerk's Office to Notice the Public Meeting and Hearing.	

City Council & Redevelopment Agency Action

CONSENT CALENDAR: The Consent Calendar, Agenda Items #14 through #17 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate		Page
	Consent Calendar: 1 - 10 Minutes	
14)	<u>APPROVAL OF SPECIAL JOINT CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JANUARY 31, 2001</u>	263
15)	<u>APPROVAL OF JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF FEBRUARY 2, 2001</u>	271
16)	<u>APPROVAL OF JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF FEBRUARY 3, 2001</u>	273
17)	<u>APPROVAL OF JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF FEBRUARY 7, 2001</u>	275

OPPORTUNITY FOR PUBLIC COMMENT

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Legal Authority:	Government Code 54956.8 & 54956.9(c) (1 potential case)
Real Property(ies) involved:	APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Road (St. Louise Hospital property)
City Negotiators:	Agency Members; Executive Director; Agency Counsel; and F. Gale Conner, special counsel
Closed Session Topic:	Potential Litigation

2.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR

Legal Authority:	Government Code 54956.8
Real Property Involved:	3.85, 9.04, and 17.58 acre parcels located on the east side of Condit Road, bound be Condit Road, Tennant Avenue, Barrett Avenue and Murphy Avenue (APNs 817-13-008 & 011 and 017)
Negotiating Parties:	
For City/Agency:	City Manager/Executive Director; Interim City Attorney/Agency Counsel; Director of Business Assistance &

For Property Owners: Housing Services
T&C Development, LTD Partnership; Kathleen Sergi, Virginia
Lomanto Trustee
Closed Session Topic: Acquisition of Real Property

3.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Legal Authority: Government Code 54956.8
Property: APN 817-13-001; 37.8 acres (soccer complex)
Negotiating Parties:
For City: City Manager, City Attorney, Public Works Director
For Property Owners: Tadashi & Alice A. Kadonaga, Trustee
Under Negotiation: Price and Terms of Payment

4.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code section 54956.9(a)
Name of Case: City of San Jose v. Morgan Hill Unified School District, City of Morgan Hill
Case Number: Superior Court, County of Santa Clara, CV794073

5.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code section 54956.9© (one case)

ADJOURN TO CLOSED SESSION:

RECONVENE:

CLOSED SESSION ANNOUNCEMENT:

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT